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**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:05-cv-00586-GMS
Internal Use Only**

Biovail Laboratories International SRL v. Andrx Pharmaceuticals LLC et al
Assigned to: Judge Gregory M. Sleet
Member cases:

[1:05-cv-00730-GMS](#)

[1:06-cv-00620-GMS](#)

Case in other court: USDC/ED/Pennsylvania, 02-07119

USDC/SD/Florida, 98-07096

Cause: 35:271 Patent Infringement

Date Filed: 08/10/2005

Date Terminated: 01/31/2008

Jury Demand: None

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

Plaintiff

Biovail Laboratories International SRL
a corporation of Barbados

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V.

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Date Filed	#	Docket Text
08/10/2005	<u>1</u>	COMPLAINT filed against Andrx Pharmaceuticals LLC, Andrx Corporation - Magistrate Consent Notice to Pltf. (Filing fee \$ 250, receipt number 140275.) - filed by Biovail Laboratories International SRL. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Civil Cover Sheet # <u>3</u> Acknowledgement of Consent Form) (dab,) (Entered: 08/11/2005)
08/10/2005		Summons Issued as to Andrx Pharmaceuticals LLC on 8/10/2005; Andrx Corporation on 8/10/2005. (dab,) (Entered: 08/11/2005)
08/10/2005	<u>2</u>	Disclosure Statement pursuant to Rule 7.1 filed by Biovail Laboratories International SRL identifying Biovail Corporation as Corporate Parent. (dab,) (Entered: 08/11/2005)
08/10/2005	<u>3</u>	Report to the Commissioner of Patents for Patent Number(s) 5,529,791; (dab,) (Entered: 08/11/2005)

		11/01/2006)
11/16/2006	105	NOTICE OF SERVICE of Defendants' Response to Plaintiff's First Set of Requests for Documents and Things to Defendant Andrx; and Andrx's Response to Biovail's Rule 30(b)(6) Notice to Andrx by Andrx Pharmaceuticals LLC, Andrx Corporation.(Horwitz, Richard) (Entered: 11/16/2006)
11/17/2006	106	NOTICE OF SERVICE of Defendants' Response to Plaintiff's First Set of Interrogatories by Andrx Pharmaceuticals LLC, Andrx Corporation.(Horwitz, Richard) (Entered: 11/17/2006)
11/20/2006	107	NOTICE OF SERVICE of Biovail's Responses to Defendant Andrx's First Set of Requests for the Production of Documents and Things by Biovail Laboratories International SRL.(Blumenfeld, Jack) (Entered: 11/20/2006)
11/27/2006	108	MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Horwitz, Richard) (Entered: 11/27/2006)
11/27/2006	109	SEALED OPENING BRIEF in Support re 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> filed by Andrx Pharmaceuticals LLC, Andrx Corporation. Answering Brief/Response due date per Local Rules is 12/14/2006. (Horwitz, Richard) (Entered: 11/27/2006)
11/28/2006	110	ORDER - Discovery Teleconference set for 12/18/2006 03:00 PM before Honorable Kent A. Jordan. Signed by Judge Kent A. Jordan on 11/28/06. (rwc) (Entered: 11/28/2006)
11/29/2006	111	REDACTED VERSION <i>Memorandum in Support of Defendants' Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,529,791</i> by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit Exhibit 1 to 1c# 2 Exhibit Exhibit 1d to 2d)(Horwitz, Richard) (Entered: 11/29/2006)
12/04/2006	112	MOTION for Extension of Time to File Response/Reply as to 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> - filed by Biovail Laboratories International SRL. (Louden, Karen) (Entered: 12/04/2006)
12/11/2006	113	ANSWERING BRIEF in Opposition re 112 MOTION for Extension of Time to File Response/Reply as to 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> filed by Andrx Pharmaceuticals LLC, Andrx Corporation. Reply Brief due date per Local Rules is 12/21/2006. (Horwitz, Richard) (Entered: 12/11/2006)
12/14/2006	114	Letter to The Honorable Kent A. Jordan and The Honorable Mary Pat Thyng from Richard L. Horwitz regarding discovery dispute. (Horwitz, Richard) (Entered: 12/14/2006)
12/15/2006	115	REPLY BRIEF re 112 MOTION for Extension of Time to File Response/Reply as to 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> Biovail's Reply In Support Of Its Motion For An Extension Of Time To Respond To Andrx's Motion For Summary Judgment Of <i>Non-Infringement Of U.S. Patent No. 5,529,791</i> filed by Biovail Laboratories International SRL. (Louden, Karen) (Entered: 12/15/2006)
12/18/2006	116	[1:05-cv-586-***]: Please note that, in accordance with the attached standing order, this case has been designated as one to be assigned to the judge who fills the vacancy left by the elevation of Judge Kent A. Jordan to the United States Court of Appeals for the Third Circuit. Pending assignment, the case has been referred to Magistrate Judge Mary Pat Thyng for all pretrial proceedings, pursuant to 28 U.S.C. section 636(b). Please include ***, in place of the Judge's initials, after the case number on all documents filed. (ntl) (Entered: 12/18/2006)
12/18/2006	117	Letter to Hon. Mary Pat Thyng from Karen Jacobs Louden regarding motion for extension of time - re 112 MOTION for Extension of Time to File Response/Reply as to 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> . (Louden, Karen) (Entered: 12/18/2006)
12/18/2006	118	NOTICE of Withdrawal of Counsel by Biovail Laboratories International SRL (Blumenfeld, Jack) (Entered: 12/18/2006)
12/19/2006	119	Letter to The Honorable Mary Pat Thyng from Richard L. Horwitz, Esquire regarding response to the December 18, 2006 letter from plaintiff Biovail - re 117 Letter., (Horwitz, Richard) (Entered: 12/19/2006)
12/21/2006	120	ORDER granting 112 Motion for Extension of Time to File Response/Reply re 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> . Response due by 1/19/2007. Signed by Judge Gregory M. Sleet on 12/21/06. (mmm) (Entered: 12/21/2006)
12/21/2006	121	ORDER re 114 Letter. Biovail shall produce Kenneth Albert, Paul Maes, Edith Mathiowitz, and Robin

		Teskin for deposition prior to the close of fact discovery on January 15, 2007. Andrx's request for termination of the pending stay of FDA approval is DENIED without prejudice. Signed by Judge Gregory M. Sleet on 12/21/06. (mmm) (Entered: 12/21/2006)
01/03/2007		Case reassigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (Please note that all future documents should only be filed in Lead Case 05-cv-586). (rjb) (Entered: 01/03/2007)
01/05/2007	122	NOTICE OF SERVICE of ANDRX's Second Set of Interrogatories to Biovail and ANDRX's Notice of 30(b)(6) Deposition of Biovail Laboratories International SRL by Andrx Pharmaceuticals LLC, Andrx Corporation.(Dorsney, Kenneth) (Entered: 01/05/2007)
01/12/2007	123	Letter to The Honorable Gregory M. Sleet from Richard L.Horwitz regarding proposed changes to schedule due to attorney illness. (Horwitz, Richard) (Entered: 01/12/2007)
01/12/2007	124	PROPOSED ORDER regarding changes to schedule re 123 Letter by Andrx Pharmaceuticals LLC, Andrx Corporation. (Horwitz, Richard) (Entered: 01/12/2007)
01/19/2007	125	Cross MOTION for Summary Judgment of <i>No Collateral Estoppel</i> - filed by Biovail Laboratories International SRL. (Louden, Karen) (Entered: 01/19/2007)
01/19/2007	126	SEALED BRIEF (Combined Opening and Answering) <i>BIOVAIL'S ANSWERING BRIEF IN OPPOSITION TO ANDRX'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF THE '791 PATENT AND OPENING BRIEF IN SUPPORT OF ITS CROSS-MOTION FOR SUMMARY JUDGMENT OF NO COLLATERAL ESTOPPEL</i> re 125 Cross MOTION for Summary Judgment of <i>No Collateral Estoppel</i> , 108 MOTION for Summary Judgment of <i>Non-Infringement of U.S. Patent No. 5,529,791</i> filed by Biovail Laboratories International SRL.Answering Brief/Response due date per Local Rules is 2/5/2007..Reply Brief due date per Local Rules is 1/29/2007. (Louden, Karen) (Entered: 01/19/2007)
01/19/2007	127	SEALED DECLARATION re 126 Brief (Combined Opening and Answering), Brief (Combined Opening and Answering), Brief (Combined Opening and Answering) of <i>Gerald S. Brenner, Ph.D.</i> by Biovail Laboratories International SRL. (Attachments: # 1 Exhibits 1 through 33)(Louden, Karen) (Entered: 01/19/2007)
01/19/2007	128	DECLARATION re 126 Brief (Combined Opening and Answering), Brief (Combined Opening and Answering), Brief (Combined Opening and Answering) of <i>Preston K. Ratliff II</i> by Biovail Laboratories International SRL. (Attachments: # 1 Exhibits 1 through 3)(Louden, Karen) (Entered: 01/19/2007)
01/24/2007	129	STIPULATION TO EXTEND TIME to complete briefing on pending summary judgment motions to mid to late February 2007, as specified in the stipulation - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 01/24/2007)
01/26/2007		ORAL ORDER SCHEDULING TELECONFERENCE: A status teleconference has been scheduled for Tuesday, January 30, 2007, at 9:30 a.m. Counsel for plaintiff is directed to initiate the call to chambers at (302) 573-6470. All counsel with primary responsibility for this case shall participate and be prepared to address any pending motions. Ordered by Judge Gregory M. Sleet on 1/26/07. (ctd) (Entered: 01/26/2007)
01/30/2007		Minute Entry for proceedings held before Judge Gregory M. Sleet : Telephone Conference Re: Summary Judgment/Scheduling held on 1/30/2007. Discussion on pending cross summary judgment motions. The parties agreed to withdraw their motions - a written withdrawal shall follow. The schedule in this matter shall be amended as follows: Claim Construction Briefing shall be completed by 4/24/2007 - (Joint Claim Chart, Opening and Answering briefs shall be determined by counsel). Markman Hearing (1/2 day) set for 5/24/2007 at 1:00 PM. Pretrial Order due 8/31/2007. Pretrial Conference set for 9/20/2007 at 10:00 AM. 5-day Bench Trial set for 10/9/2007 at 9:00 AM. Plaintiff's counsel shall prepare a proposed scheduling order and submit to the Court by 2/6/2007. (Court Reporter Kevin Maurer.) (asw) (Entered: 01/30/2007)
01/30/2007		ORAL ORDER (finding as moot per the Teleconference on 1/31/2007) 129 STIPULATION TO EXTEND TIME to complete briefing on pending summary judgment motions to mid to late February 2007, as specified in the stipulation filed by Andrx Corporation, Andrx Pharmaceuticals LLC. THE PARTIES AGREED TO WITHDRAW THEIR CROSS MOTIONS FOR SUMMARY JUDGMENT. Ordered by Judge Gregory M. Sleet on 1/30/2007. (asw) (Entered: 01/30/2007)
01/30/2007	130	STIPULATION to withdraw without prejudice Andrx's motion for summary judgment of non-infringement of '791 patent (D.I. 108) and cross-motion for summary judgment of no collateral

		estoppel (D.I. 125) by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Louden, Karen) (Entered: 01/30/2007)
01/30/2007	131	STENO NOTES of Teleconference Re: Summary Judgment held on 1/30/2007 before Judge Sleet. Court Reporter: Kevin Maurer. (Notes on file in Clerk's Office) (asw) (Entered: 02/01/2007)
01/31/2007		SO ORDERED, re 130 Stipulation, filed by Biovail Laboratories International SRL, Andrx Corporation, Andrx Pharmaceuticals LLC. Ordered by Judge Gregory M. Sleet on 1/31/2007. (asw) (Entered: 01/31/2007)
02/02/2007	132	TRANSCRIPT of Telephone Conference held on 1/30/2007 before Judge Sleet. Court Reporter: Kevin Maurer. (Transcript on file in Clerk's Office) (asw) (Entered: 02/02/2007)
02/05/2007	133	NOTICE to Take Deposition of Salim Mamajiwalla on February 19, 2007 by Andrx Pharmaceuticals LLC, Andrx Corporation.(Dorsney, Kenneth) (Entered: 02/05/2007)
02/05/2007	134	NOTICE OF SERVICE of Biovail's Responses to Defendant Andrx's Second Set of Interrogatories and Biovail's Objections to Andrx's January 5, 2007 Notice of 30(b)(6) Deposition of Biovail Laboratories International SRL by Biovail Laboratories International SRL.(Louden, Karen) (Entered: 02/05/2007)
02/07/2007	135	ORDER SCHEDULING TELECONFERENCE: A teleconference (see attachment) to discuss scheduling and discovery matters has been set for Friday, February 9, 2007, at 9:15 AM with the Honorable Gregory M. Sleet. In accordance with the Scheduling Order, a joint letter agenda, along with a chart outlining proposed dates shall be filed prior to the teleconference. Counsel for plaintiff is directed to initiate the call to chambers at (302) 573-6470. Ordered by Judge Gregory M. Sleet on 2/7/07. (ctd) (Entered: 02/07/2007)
02/07/2007	136	Letter to Hon. Gregory M. Sleet from Karen Jacobs Louden regarding Teleconference with Court on February 9. (Attachments: # 1 attached chart)(Louden, Karen) (Entered: 02/07/2007)
02/09/2007		Minute Entry for proceedings held before Judge Gregory M. Sleet : Telephone Conference Re: Discovery/Schedule held on 2/9/2007. Discussion regarding case schedule proposals as listed in the joint agenda submission. The trial date shall remain set for 10/9/2007 (as previously scheduled). Plaintiff's counsel shall prepare a proposed scheduling order (including all agreed upon dates) and submit to the court by 2/16/2007. Discussion on discovery dispute issue. (Court Reporter Brian Gaffigan.) (asw) (Entered: 02/09/2007)
02/15/2007	137	Letter to Hon. Gregory M. Sleet from Karen Jacobs Louden regarding Fifth Revised Scheduling Order. (Attachments: # 1 Text of Proposed Order Fifth Revised Scheduling Order)(Louden, Karen) (Entered: 02/15/2007)
02/20/2007	138	TRANSCRIPT of Telephone Conference held on 2/9/2007 before Judge Sleet. Court Reporter: Brian Gaffigan. (Transcript on file in Clerk's Office) (asw) (Entered: 02/20/2007)
02/23/2007		SO ORDERED re 137 Letter and proposed scheduling order, ORDER, Setting Scheduling Order Deadlines: Claims Construction Opening Brief due by 3/30/2007.,Pretrial Conference set for 9/20/2007 at 10:00 AM in Courtroom 4A before Honorable Gregory M. Sleet.,(All) Discovery due by 2/23/2007.,Expert Discovery due 7/31/2007., Motions in Limine due by 8/31/2007., (1/2 day) Markman Hearing set for 5/24/2007 at 01:00 PM before Honorable Gregory M. Sleet.,Proposed Pretrial Order due by 8/31/2007.,5-day Bench Trial set for 10/9/2007 at 09:30 AM in Courtroom 4A before Honorable Gregory M. Sleet. Ordered by Judge Gregory M. Sleet on 2/23/2007. (asw) (Entered: 02/23/2007)
03/20/2007	139	SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 03/20/2007)
03/20/2007	140	SEALED APPENDIX re 139 SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS]/SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] [Compendium of Exhibits Volume I] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 03/20/2007)
03/20/2007	141	SEALED APPENDIX re 139 SEALED MOTION for Leave to File [DEFENDANTS ANDRX

		PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS]SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] [Compendium of Exhibits Volume II] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 03/20/2007)
03/26/2007	142	CLAIM Construction Chart by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibits A and B)(Louden, Karen) (Entered: 03/26/2007)
03/27/2007	143	REDACTED VERSION of 139 SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS]SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 03/27/2007)
03/27/2007	144	REDACTED VERSION of 140 Appendix,, [COMPENDIUM OF EXHIBITS VOLUME I TO DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit 1 - Amended Answer# 2 Exhibit A-D to Exhibit 1# 3 Exhibit E-H to Exhibit 1)(Dorsney, Kenneth) (Entered: 03/27/2007)
03/27/2007	145	REDACTED VERSION of 141 Appendix,, [COMPENDIUM OF EXHIBITS VOLUME II TO DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit I-K to Exhibit 1# 2 Exhibit 2# 3 Text of Proposed Order)(Dorsney, Kenneth) (Entered: 03/27/2007)
03/30/2007		CORRECTING ENTRY: D.I. 146, Declaration of Gerald S. Brenner was inadvertently filed and linked incorrectly. Per plaintiff counsel's request, the court has deleted this entry from the docket. The next filing in this case shall be assigned D.I. #146. (asw) (Entered: 03/30/2007)
03/30/2007	146	CLAIM CONSTRUCTION OPENING BRIEF filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit A-B)(Dorsney, Kenneth) (Entered: 03/30/2007)
03/30/2007	147	CLAIM CONSTRUCTION OPENING BRIEF filed by Biovail Laboratories International SRL. (Heaney, Julia) (Entered: 03/30/2007)
03/30/2007	148	SEALED DECLARATION re 147 Claim Construction Opening Brief Declaration of Gerald S. Brenner, Ph.D. by Biovail Laboratories International SRL. (Attachments: # 1 Exhibits 1-11)(Heaney, Julia) (Entered: 03/30/2007)
04/03/2007	149	SEALED ANSWERING BRIEF in Opposition re 139 SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS]SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] filed by Biovail Laboratories International SRL.Reply Brief due date per Local Rules is 4/16/2007. (Heaney, Julia) (Entered: 04/03/2007)
04/03/2007	150	SEALED DECLARATION re 149 Answering Brief in Opposition,, to Andrx's Motion for Leave to File First Amended Answer, Affirmative Defenses, and Counterclaims (By Preston K. Ratliff II) by Biovail Laboratories International SRL. (Attachments: # 1 Exhibits 1 through 10)(Heaney, Julia) (Entered: 04/03/2007)
04/10/2007	151	NOTICE OF SERVICE of Initial Expert Report of Professor Roland Bodmeier, Ph.D. Regarding United States Patent No. 7,108,866 and Expert Report of Marvin C. Meyer, Ph.D. by Andrx Pharmaceuticals LLC, Andrx Corporation.(Dorsney, Kenneth) (Entered: 04/10/2007)
04/10/2007	152	NOTICE OF SERVICE of (1) Expert Report of Gerald S. Brenner, Ph.D. Regarding Andrx's Infringement of the '866 Patent and (2) Expert Report of Thomas S. Foster, Pharm.D., Regarding Andrx's Infringement of the '866 Patent by Biovail Laboratories International SRL.(Blumenfeld, Jack) (Entered: 04/10/2007)

04/11/2007	153	MOTION to Strike 127 Declaration, [Andrx's Motion to Strike the Untimely Expert Report of Gerald S. Brenner, Ph.D.] - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 04/11/2007)
04/11/2007	154	OPENING BRIEF in Support re 153 MOTION to Strike 127 Declaration, [Andrx's Motion to Strike the Untimely Expert Report of Gerald S. Brenner, Ph.D.] filed by Andrx Pharmaceuticals LLC, Andrx Corporation. Answering Brief/Response due date per Local Rules is 4/30/2007. (Attachments: # 1 Exhibit A-D)(Dorsney, Kenneth) (Entered: 04/11/2007)
04/11/2007	155	REPLY BRIEF re 139 SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS]SEALED MOTION for Leave to File [DEFENDANTS ANDRX PHARMACEUTICALS, LLC'S AND ANDRX CORPORATION'S MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS] filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit A-D)(Dorsney, Kenneth) (Entered: 04/11/2007)
04/11/2007	156	SEALED DECLARATION re 155 Reply Brief,, [Declaration of Steven Maddox in Support of Defendants' Reply Brief in Further Support of Motion for Leave to File First Amended Answer, Affirmative Defenses, and Counterclaims] by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 04/11/2007)
04/13/2007	157	ORDER SCHEDULING DISCOVERY TELECONFERENCE: A 2nd discovery teleconference (see attachment) has been set for Monday, April 23, 2007, at 9:30 AM with the Honorable Gregory M. Sleet. In accordance with the Scheduling Order, a joint letter agenda shall be filed prior to the teleconference. Counsel for plaintiff is directed to initiate the call to chambers at (302) 573-6470. Ordered by Judge Gregory M. Sleet on 4/13/07. (ctd) (Entered: 04/13/2007)
04/16/2007	158	MOTION for Leave to File <i>Sur-Reply Brief in Opposition to Andrx's Motion for Leave to File First Amended Answer, Affirmative Defenses, And Counterclaims</i> - filed by Biovail Laboratories International SRL. (Attachments: # 1 Exhibit A)(Louden, Karen) (Entered: 04/16/2007)
04/18/2007	159	REDACTED VERSION of 156 Declaration, of Steven Maddox in Support of Defendants' Reply Brief in Further Support of Motion for Leave to File First Amended Answer, Affirmative Defenses, and Counterclaims by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # 1 Exhibit A-C) (Dorsney, Kenneth) (Entered: 04/18/2007)
04/18/2007	160	Letter to Hon. Gregory M. Sleet from Jack B. Blumenfeld regarding discovery teleconference. (Blumenfeld, Jack) (Entered: 04/18/2007)
04/19/2007	161	MOTION for Pro Hac Vice Appearance of Attorney Jeremy J. Edwards of Foley & Lardner, LLP - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 04/19/2007)
04/19/2007		SO ORDERED, re 161 MOTION for Pro Hac Vice Appearance of Attorney Jeremy J. Edwards of Foley & Lardner, LLP filed by Andrx Corporation, Andrx Pharmaceuticals LLC. Ordered by Judge Gregory M. Sleet on 4/19/2007. (asw) (Entered: 04/19/2007)
04/20/2007	162	RESPONSE to Motion re 158 MOTION for Leave to File <i>Sur-Reply Brief in Opposition to Andrx's Motion for Leave to File First Amended Answer, Affirmative Defenses, And Counterclaims</i> [DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY ON DEFENDANT'S MOTION TO FILE AMENDED ANSWER] filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 04/20/2007)
04/23/2007		Minute Entry for proceedings held before Judge Gregory M. Sleet : Telephone Conference Re: Discovery held on 4/23/2007. Discussion on the disputed item listed in the joint agenda submission. The Court will grant the plaintiff's motion for leave to file a surreply, D.I. 158. The Court shall suspend ALL discovery activity pending its ruling on the defendants' motion to amend the answer. The Court will schedule an additional teleconference a week after its ruling, if necessary. (Court Reporter Kevin Maurer.) (asw) (Entered: 04/23/2007)
04/23/2007		ORAL ORDER (as discussed in today's Discovery Teleconference) granting 158 Motion for Leave to File. Ordered by Judge Gregory M. Sleet on 4/23/2007. (asw) (Entered: 04/23/2007)
04/24/2007	163	SUR-REPLY BRIEF re 158 MOTION for Leave to File <i>Sur-Reply Brief in Opposition to Andrx's Motion for Leave to File First Amended Answer, Affirmative Defenses, And Counterclaims</i> Biovail's <i>Sur-Reply Brief In Opposition To Andrx's Motion For Leave To File First Amended Answer, Affirmative Defenses, And Counterclaims</i> filed by Biovail Laboratories International SRL. (Louden, Karen) (Entered: 04/24/2007)

04/24/2007	<u>164</u>	SEALED ANSWERING BRIEF in Opposition <i>on Claim Construction</i> filed by Andrx Pharmaceuticals LLC, Andrx Corporation. Reply Brief due date per Local Rules is 5/4/2007. (Dorsney, Kenneth) (Entered: 04/24/2007)
04/24/2007	<u>165</u>	CLAIM CONSTRUCTION ANSWERING BRIEF re <u>147</u> Claim Construction Opening Brief filed by Biovail Laboratories International SRL. (Louden, Karen) (Entered: 04/24/2007)
04/24/2007	<u>166</u>	SEALED APPENDIX (<i>JOINT</i>) of <i>Intrinsic and Extrinsic Evidence (Volume 1 of 3)</i> by Biovail Laboratories International SRL, Andrx Corporation. (Attachments: # <u>1</u> Exhibits 1 through 13)(Louden, Karen) (Entered: 04/24/2007)
04/24/2007	<u>167</u>	SEALED APPENDIX re <u>166</u> Appendix (<i>JOINT</i>) of <i>Intrinsic and Extrinsic Evidence (Volume 2 of 3)</i> by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Exhibits 14 through 17)(Louden, Karen) (Entered: 04/24/2007)
04/24/2007	<u>168</u>	SEALED APPENDIX re <u>166</u> Appendix (<i>JOINT</i>) of <i>Intrinsic and Extrinsic Evidence (Volume 3 of 3)</i> by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Exhibits 18 through 26)(Louden, Karen) (Entered: 04/24/2007)
04/25/2007	<u>169</u>	ANSWERING BRIEF in Opposition re <u>153</u> MOTION to Strike <u>127</u> Declaration, [<i>Andrx's Motion to Strike the Untimely Expert Report of Gerald S. Brenner, Ph.D.</i>] filed by Biovail Laboratories International SRL. Reply Brief due date per Local Rules is 5/7/2007. (Louden, Karen) (Entered: 04/25/2007)
04/25/2007	<u>170</u>	SEALED DECLARATION re <u>169</u> Answering Brief in Opposition, <i>to Andrx's Motion to Strike the Supplement to the Expert Report of Gerald S. Brenner, Ph.D. (By Preston K. Ratliff II)</i> by Biovail Laboratories International SRL. (Attachments: # <u>1</u> Exhibits 1 through 8)(Louden, Karen) (Entered: 04/25/2007)
04/26/2007	<u>171</u>	STIPULATION TO EXTEND TIME for defendants to file its Reply Brief on its Motion to Strike to May 4, 2007 - filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 04/26/2007)
04/27/2007	<u>172</u>	REDACTED VERSION of <u>164</u> Answering Brief in Opposition <i>on Claim Construction</i> by Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B-D)(Dorsney, Kenneth) (Entered: 04/27/2007)
04/30/2007		SO ORDERED, re <u>171</u> STIPULATION TO EXTEND TIME for defendants to file its Reply Brief on its Motion to Strike to May 4, 2007 filed by Andrx Corporation, Andrx Pharmaceuticals LLC, Reset Briefing Schedule: re <u>153</u> MOTION to Strike <u>127</u> Declaration, [<i>Andrx's Motion to Strike the Untimely Expert Report of Gerald S. Brenner, Ph.D.</i>]. Reply Brief due 5/4/2007. Ordered by Judge Gregory M. Sleet on 4/30/2007. (asw) (Entered: 04/30/2007)
04/30/2007	173	STENO NOTES of Teleconference held on 4/23/2007 before Judge Sleet. Court Reporter: Kevin Maurer. (Notes on file in Clerk's Office) (asw) (Entered: 04/30/2007)
05/02/2007	<u>174</u>	REDACTED VERSION of <u>166</u> Appendix of <i>Intrinsic and Extrinsic Evidence (Volume 1 of 3)</i> by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Part 2# <u>2</u> Part 3# <u>3</u> Part 4)(Louden, Karen) (Entered: 05/02/2007)
05/02/2007	<u>175</u>	REDACTED VERSION of <u>167</u> Appendix of <i>Intrinsic and Extrinsic Evidence (Volume 2 of 3)</i> by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Part 2# <u>2</u> Part 3# <u>3</u> Part 4# <u>4</u> Part 5# <u>5</u> Part 6)(Louden, Karen) (Entered: 05/02/2007)
05/02/2007	<u>176</u>	REDACTED VERSION of <u>168</u> Appendix of <i>Intrinsic and Extrinsic Evidence (Volume 3 of 3)</i> by Biovail Laboratories International SRL, Andrx Pharmaceuticals LLC, Andrx Corporation. (Attachments: # <u>1</u> Part 2# <u>2</u> Part 3# <u>3</u> Part 4# <u>4</u> Part 5# <u>5</u> Part 6)(Louden, Karen) (Entered: 05/02/2007)
05/04/2007	<u>177</u>	ORDER granting <u>139</u> Motion for Leave to File a First Amended Answer and Counterclaims. Andrx's amended answer and counterclaim, which is attached to its motion to amend, is deemed filed. The court will hold a teleconference to discuss with the parties what, if any adjustments to the schedule might be needed to accommodate the interest of all parties, including the court. Signed by Judge Gregory M. Sleet on 5/4/2007. (asw) (Entered: 05/04/2007)
05/04/2007	<u>178</u>	SEALED REPLY BRIEF re <u>153</u> MOTION to Strike <u>127</u> Declaration, [<i>Andrx's Motion to Strike the Untimely Expert Report of Gerald S. Brenner, Ph.D.</i>] filed by Andrx Pharmaceuticals LLC, Andrx Corporation. (Dorsney, Kenneth) (Entered: 05/04/2007)